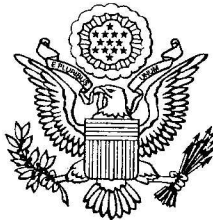


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Mr. BOSWELL. Mr. Chairman, I've just conferred with the Chair of the subcommittee, and he has asked me to offer it and withdraw it, and we will work on it before we go to conference. So out of my respect for him and the ranking member, of course I will do that.

I would just like to say this: In the last 2 years, we have done a little bit more than this for this good cause, and it's something that's helping law enforcement out across the country. And it's not big bucks, it's pretty small. But then again, you've got to work with where you're at. But it does increase law enforcement agencies' access to records on persons who pose a risk to local communities. I can assure you that the law enforcement agencies need this access, as we think about the things that happen to our children and older folks and so on, to be able to access that good information.

So with my appreciation, Mr. Chairman, I will ask unanimous consent to withdraw, with looking forward to working on this at a later point.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. BOSWELL. I will yield to the gentleman.

Mr. MOLLOHAN. The committee has heard the gentleman. In years past the gentleman has been very concerned. He has asked for increases to the Criminal Records Upgrade Program grants, and the committee has been very receptive to that. Indeed, the committee this year has increased funding for this program by \$2.1 million over 2007, which in part was an effort to be responsive to the gentleman's consistently expressed concerns about this, and genuine concerns, about this account.

If the gentleman has looked at this carefully, we respect his expertise in this area, and we would be interested in visiting with him as we move this to conference and understanding more clearly the justification for an additional increase.

And because of who the gentleman is, I have no doubt that his reasons are valid. And so we look forward to working with him to find a better offset and to be responsive to his needs, if at all possible, as we move to and through conference.

Mr. BOSWELL. Well, I know your sincerity, and I know the ranking member's sincerity in this area. You have worked very hard on it. And I accept that, with appreciation.

Mr. MOLLOHAN. Well, I just want to emphasize that in response to your efforts, we've increased it this year above last year, so we've already been successful.

Mr. BOSWELL. We will have some interesting discussion, and I look forward to it. Thank you for letting me have this moment.

I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. GINGREY
Mr. GINGREY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. GINGREY:
At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

Mr. GINGREY. Mr. Chairman, the Bureau of Alcohol, Tobacco, Firearms and Explosives, BATFE, has been in operation without substantial changes since the days of prohibition, bootlegging and gang violence in the 1920s and 1930s.

Last year the House Judiciary Committee considered legislation that would have introduced real reform to BATFE, updating the agency for the 21st century, although time ran out before Congress could get anything accomplished.

One issue of reform I remain particularly concerned about is how BATFE actually tests firearms submitted by law-abiding firearm designers and manufacturers seeking approval to put their product on the market.

Mr. Chairman, without written and uniform standards, gun manufacturers are left guessing about which agent will inspect the firearm this week, whether or not they will be able to ship a product out to potential customers, and whether or not BATFE agents might even prosecute someone because of a shipping mistake or a firearm malfunction. So I have introduced legislation called the Fairness in Firearms Testing Act to address this problem, and it requires BATFE, the Bureau of Alcohol, Tobacco, Firearms and Explosives, to actually videotape firearms tests for the purpose of general oversight, and encourage the agency to adopt these testing standards. However, the amendment I'm offering today would cut right to the point by withholding funds to BATFE if they do not write and publish these testing standards.

More specifically, this amendment creates a level playing field for all United States firearm manufacturers who depend on getting a firearm patented and on the market as soon as possible.

Mr. Chairman, without written procedures, BATFE has literally a free rein to mistreat manufacturers, change their mind after the fact, and leave both manufacturers and customers at a

legal and financial disadvantage. In fact, BATFE regulations are so inconsistent that some manufacturers have been threatened with prosecution after receiving written approval for their products from other BATFE personnel.

Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. Let me repeat that, Mr. Chairman. Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. There are only 373 licensed firearm inventors and manufacturers left in America. Moreover, with the increase in number of imported firearms purchased by civilians and law enforcement alike, our Nation is at a strategic defensive disadvantage.

Mr. Chairman, I realize that the chairman has reserved a point of order, and he will explain that, I'm sure, momentarily, but it's my understanding that if I do agree to withdraw this amendment, that the chairman and the committee will work with me to help bring reforms to the BATFE, including these written standards, to help United States firearm manufacturers. I would be happy to yield to the chairman and to engage in a colloquy with him regarding that. Otherwise, in the absence of an agreement, then certainly I want to go forward with my amendment.

Mr. Chairman, I yield to the chairman.

Mr. MOLLOHAN. We would, at that point, talk about the point of order a little more.

We want to be responsive to the gentleman. I have not gotten deeply into his concerns, so I'm not sure exactly where he's coming from on this. But I can commit to him that we're willing to talk about it, we're willing to understand more clearly what his concerns are and in good faith work with him. And if there is an accommodation, we certainly want to make it in good faith. But I certainly cannot telegraph or represent to the gentleman an outcome; I can only promise him the process to work with him in good faith on this issue.

Mr. GINGREY. Reclaiming my time, Mr. Chairman, I understand exactly what the chairman is saying. I'm not necessarily expecting any hard and fast promises on his behalf.

And I didn't mean, Mr. Chairman, for the amendment to catch the distinguished chairman of the Appropriations Committee by surprise in any way, not to be blind-sided or coming up at the last minute. We've had the amendment, we filed the amendment. In fact, I had, Mr. Chairman, introduced legislation pertaining specifically to this effect last year in the 109th Congress, so this amendment basically is a follow-up to that legislation.

I want to thank the gentleman from West Virginia, the distinguished chairman. I appreciate your spirit of cooperation. And I know there are some concerns about the amendment, I appreciate that. But I welcome your support on this matter, and I look forward

